



PINE RIVER SUPERFUND CITIZEN TASK FORCE  
P.O. BOX 172  
SAINT LOUIS, MICHIGAN 48880  
May 8, 2017

Regional Freedom of Information Officer  
U.S. EPA Region 5  
(MI-9)  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Subject: Velsicol Chemical Corporation Superfund Site, Operable Unit 1, Adjacent and Nearby Properties (ANP)  
St. Louis, Michigan (National Superfund database identification number MID00722439)

Dear Regional Freedom of Information Officer,

The Pine River Superfund Citizen Task Force (PRSCTF), as the U.S. Environmental Protection Agency's (EPA) appointed Community Advisory Group (CAG) at the Velsicol Chemical Corp. Superfund Site, needs information regarding the ANP soil removal at Operable Unit 1, completed by the EPA in October 2015. Approximately two years have passed since the completion of the remedial action, and the EPA has not produced a Remedial Action (RA) Report that would have provided the community with this information. Under the Freedom of Information Act (5 U.S.C. Section 552), the PRSCTF hereby requests the following information collected by the EPA during the ANP soil removal:

- 1. All analytical data, associated GPS coordinates of the sample locations and associated figures for the entire Adjacent and Nearby Properties (ANP), including roads, alleys and parkways that the EPA or its consultant, CH2M, possesses. This request is not limited to the properties where soil was removed, but includes all individual properties sampled in the ANP.**
- 2. All post excavation confirmation sampling results from each of the properties that the EPA or its consultant, CH2M, possesses.**
- 3. All elevation data that the EPA or its consultant CH2M possesses for all the individual properties in the ANP, regardless if the soil excavation occurred or not. This includes, but is not limited to, the starting elevations of the properties prior to excavation, the depth of excavations, and final or restoration elevations.**

- 4. All volume calculations that the EPA or its consultant, CH2M, possesses for soil excavated from each individual property and the total for the ANP, and all figures or maps showing the location of the contaminated soil before excavation and after excavation for each individual property in the ANP.**
- 5. All total volume calculations that the EPA or its consultant, CH2M, possesses regarding the amount of contaminated soil in the ANP before excavation and after excavation, and all figures or maps showing the location of the contaminated soil before excavation and after excavation in the ANP.**
- 6. All comments, complaints and correspondence that the EPA or its consultant CH2M possesses from the community or the city relating to the soil excavation in the ANP.**

Please note that 5 U.S.C. Section 552(a)(4)(A)(iv)(II) requires that you provide the first 100 copies to us at no charge, however, we are requesting a waiver of all fees under 5 U.S.C. Section 552(a)(4)(A)(iii). The information we seek is in the public interest because it will contribute significantly to public understanding of the operations and results of the RA at this Superfund site, activities of the EPA and is not in our commercial interest. We believe we meet the criteria for a fee waiver recognized by the U.S. Justice Department - in its policy guidance dated April 1987 - and by the federal courts, See *Project on Military Procurement v. Department of the Navy*, 710 F. Supp. 362 363, 365 (D.C.D. 1989).

The PRSCTF's request concerns the EPA Superfund operations during the contaminated soil removal in the residential area (known by EPA as the ANP) at Operable Unit 1 of the Velsicol Chemical Corporation Superfund Site and the associated Remedial Action results and activities of the EPA. Our interest in obtaining this information is to educate the community on the outcome of this contaminated soil removal in their yards. The lack of follow up in releasing this information by the EPA has resulted in our community being anxious and fearful because the EPA did not remediate all the DDT contamination that exceeded the cleanup criteria as required by the June 2012 Record of Decision (ROD) for this site and promised during the Proposed Plan meeting.

Also, the information sought has informative value, or potential for contribution to public understanding. Please note the decision in *Elizabeth Eudey v. Central Intelligence Agency*, 478 F. Supp. 1175 1176 (D.C.D. 1979) (even a single document has the potential for contributing to public understanding). The PRSCTF plans to disseminate this information to the public at large during the PRSCTF's monthly Technical and Community Advisory Group meetings that we hold to educate our community. In addition, the release of this information will have a significant impact on public understanding because the community at large is in the dark regarding the success or failure of this Remedial Action to comply with the ROD and produce a cleanup that is protective of human health and the environment.

This information will help the community determine the level of contamination remaining in their yards after the EPA's Remedial Actions and the level of risk presented by the areas that the EPA elected not to cleanup. This decision by the EPA to not remove contaminated soils that exceeded the cleanup criteria for the Chemicals of Concern in the ROD could have drastic consequences for human and environmental health and on real estate values. The real estate values and related future development could be directly and even negatively affected by these results. Also the media perception of the EPA's decision to not remove the known contaminated soils as specified in the ROD could be devastating to both the real estate values and future development of the city.

In addition, this information will be critically important to the city of St. Louis that now needs to plan for the additional cost of utility and road maintenance. These additional costs are expected to be significantly above and beyond the regular cost of utility and road maintenance. The resulting additional costs will include the following:

1. Special training for workers and the cost of personal protective equipment needed to work in areas contaminated with chemicals including DDT and PBB.
2. The cost of testing for contaminated soils to determine the level of risk to the workers and disposal requirements.
3. The increased disposal costs for contaminated soils.

These costs will be passed directly to the city and community by the EPA even though the community and city are not responsible for the contamination problem.

In your deliberations, please take note of the following cases: *Campbell v. U.S. Department of Justice*, 334 U.S. App. D.C. (1998)(administrative and seemingly repetitious information is not exempt from fee-waiver consideration); *Project on Military Procurement* (agencies cannot reject a fee waiver based on the assumption that the information sought is covered by a FOIA exemption; and *Landmark Legal Foundation v. Internal Revenue Service*, 1998 U.S. Dist. LEXIS 21722 (D.C.D. 1998)(the fact that the information will soon be turned over to a public body does not exempt the material from fee-waiver consideration).

We look forward to your response within 20 working days, as outlined by the statute. Thank you in advance for your assistance with this FOIA request. If you have any questions regarding this request please contact our Technical Consultant, Mr. Scott Cornelius of Cornelius Environmental Consulting, LLC at (517) 898-8703 or at [scott@corneliusec.com](mailto:scott@corneliusec.com).

Sincerely yours,  
Jim Hall, Chair  
(517) 574-0807  
[jimaller63@gmail.com](mailto:jimaller63@gmail.com)

cc. U.S. Congressman John Moolenaar  
U.S. Senator Debbie Stabenow  
U.S. Senator Gary Peters  
Representative Jim Lower  
Senator Judy Emmons  
Ms. Margaret Guerriero, Region 5 EPA  
Ms. Heidi Grether, Director MDEQ